



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

November 26, 2003

The Honorable Mike Stewart
Chairman, Wakulla County Commission
Post Office Box 1263
Crawfordville, Florida 32326

Dear Chairman Stewart:

The Department has completed its review of the adopted comprehensive plan amendment for Wakulla County, as adopted on October 6, 2003, Ordinance No. 2003-23; DCA No. 03-1 and has determined that it does not meet the requirements of Chapter 163, Part II, Florida Statutes. The Department is issuing a Statement of Intent and Notice of Intent to find the Comprehensive Plan amendments Not in Compliance. The Notice of Intent has been sent to the *Wakulla County News* for publication on November 27, 2003.

Please note that a copy of the adopted Wakulla County Comprehensive Plan amendment, the Notice of Intent and the Department's Statement of Intent to find the Comprehensive Plan Amendment Not in Compliance must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Wakulla County Administration Building, 340 Trice Lane, Room 102, Crawfordville, Florida 32327.

In addition, the Notice of Intent and the Statement of Intent will be forwarded to the Division of Administrative Hearings of the Department of Management Services for the scheduling of an administrative hearing pursuant to Section 120.57, Florida Statutes. Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

The Department has several concerns regarding the adopted amendment. The issues of urban sprawl, groundwater protection, and public facilities have not been adequately addressed. The language adopted in policy 1.2.9.1 and the data and analysis accompanying the future land use map amendment fail to demonstrate that important groundwater resources are protected. In addition, there are still basic questions regarding provision of facilities and services and demonstrated need for the additional development potential that remain unanswered. The enclosed Statement of Intent identifies specific issues and recommendations.

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The Honorable Mike Stewart
November 26, 2003
Page 2

We are interested in meeting with you or your representatives at your convenience to discuss measures that could be explored to bring the plan amendment into compliance.

If you have any questions, or are interested in discussing a compliance agreement, please contact, Alex Magee, Regional Planning Administrator or Susan Poplin, AICP, Senior Planner, at (850) 922-1821.

Sincerely,



Valerie J. Hubbard, AICP
Director, Division of Community Planning

VJH/sps

Enclosure: Notice of Intent
Statement of Intent

cc: Mr. Donny Sparkman, Planning Director, Wakulla County
Mr. Sandy McArthur, President, N.G. Wade Investment Company
Mr. Robert A. Routa, Law Associates
Mr. Charles Blume, Executive Director, Apalachee Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: WAKULLA COUNTY
COMPREHENSIVE PLAN AMENDMENT
03-1: AMENDING THE FUTURE LAND
USE ELEMENT AND THE FUTURE LAND
USE MAP.

Docket No. 03-1-NOI-6501-(A)-(N)

STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes (2003), and Rule 9J-11.012(6), Florida Administrative Code, hereby issues this Statement of Intent to find the Comprehensive Plan Amendment adopted by Wakulla County in Ordinance No. 2003-23 on October 6, 2003, Not In Compliance based upon the Objections, Recommendations and Comments Report (ORC Report) issued by the Department on October 26, 2002, which is hereby incorporated by reference. The Department finds that the Amendment is not "in compliance," as defined in Section 163.3184(1)(b), Fla. Stat., because it is not consistent with Sections 163.3177, Fla. Stat., the State Comprehensive Plan, and Chapter 9J-5, Fla. Admin. Code, for the following reasons:

I. NEED AND URBAN SPRAWL

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Future Land Use Map Amendment CPA02-05 and Future Land Use Policy 1.2.9.1, Northeast Wakulla County Sustainable Community, has not demonstrated the need for residential and non-residential land use that is based on a professionally acceptable methodology. The amendment as adopted does not adequately demonstrate how the Northeast Wakulla County Sustainable Community land use category will protect natural resources and ensure the availability of adequate facilities and services. The amendment as adopted exhibits indicators of urban sprawl including allowing single uses in excess of

demonstrated need, promoting leap frog development, promoting premature conversion of existing agricultural rural lands, failing to conserve and protect natural resources including groundwater, failing to encourage infill in existing urban areas, failing to maximize existing and planned public services, promoting a pattern that will result in disproportionate costs in maintaining facilities and services, failing to provide a clear separation between urban and rural uses, and failing to provide a functional mix of uses within the development.

Sections 163.3177(6)(a), 163.3177(10)(e), Fla. Stat.; 9J-5.006(2)(c), 9J-5.006(4), 9J-5.006(5)(g), Fla. Stat., and 9J-5.006(5)(h), Fla. Admin. Code

B. Recommended Remedial Action: The above inconsistencies may be remedied by taking the following action:

1. The County should provide a revised need analysis conducted according to a professionally acceptable methodology that is complete with regard to anticipated residential and non-residential land uses over the planning timeframe. Assess current developed lands to identify the existing development by future land use category and identify the remaining developable land uses by category. These uses should be expressed in acres by category. Calculate Future Land Use Map (FLUM) capacity based on maximum allowed density allowed by FLUM Category. Assess non-residential uses in terms of maximum square footage or other acceptable standard. Relate the identified available land to the anticipated population through the planning timeframe to identify the amount of land needed in the County. Address natural resource and infrastructure issues as identified in this statement. Additionally, revise the proposed policies to address the urban form and ensure a mix of uses including a jobs to housing ratio.

II. FUTURE LAND USE ELEMENT MAP AMENDMENT CPA02-05 AND TEXT AMENDMENT. POLICY 1.2.9.1. NORTHEAST WAKULLA COUNTY SUSTAINABLE COMMUNITY

A. Natural Resources. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Map Amendment CPA02-05 and Future Land Use Policy 1.2.9.1, Northeast Wakulla County Sustainable Community, do not adequately address site suitability and natural

resources. Impacts to groundwater from potential development including treatment of wastewater, impervious surfaces, landscaping, and stormwater runoff are not adequately addressed. Additionally, the proposed amendment does not adequately demonstrate that the site is suitable for the proposed land uses and will adequately support the maximum development potential of this site. Of particular concern is the potential to adversely impact Wakulla Springs a major state, regional and local resource by impacting groundwater in the area.

2. The amendment is internally inconsistent with Policies 1.1.3, 1.1.6, 1.2.9(1) of the Future Land Use Element and Objective 5.4 and implementing policies of the Conservation Element of the current comprehensive plan.

Sections 163.3177(6)(a),(c),(d), Fla. Stat.; Rules 9J-5.011(2)(b)5; 9J-5.011(2)(c)(4); 9J-5.013(2)(b)(2); 9J-5.013(2)(c)1, Fla. Admin. Code

B. Recommended Remedial Action: The above inconsistencies may be remedied by taking the following actions:

1. The County should consider less intensive development of the site coupled with additional development controls in a manner that addresses the concerns raised by the Department.
2. Alternatively, demonstrate that the measures put in place act to protect the intended resource given the data on suitability and groundwater vulnerability, including Wakulla Springs, in this area. Revise the amendment to relate adopted measures to the general site suitability. The goals of any measures should be to protect the identified groundwater resources.

For the current adopted measures, policy 1.2.9.1. should be revised to include identification of the mechanism(s) that will trigger implementation of the identified wastewater treatment, and identified management plans for impervious surface, landscaping, and stormwater.

Additional measures should be incorporated into the plan that address turf grass controls, stormwater design and standards, limitations for impervious surfaces, appropriate wastewater treatment plan and sprayfield design, and applicable nitrate loading restrictions.

III. PUBLIC INFRASTRUCTURE

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Map Amendment CPA02-05 and Future Land Use Policy I.2.9.1, Northeast Wakulla County Sustainable Community, fail to demonstrate that the peak hour adopted level of service will be maintained for all roadways impacted by the adopted amendment and do not take into account extra-jurisdictional impacts. The County failed to provide a traffic analysis that was conducted in accordance with the requirements of Rule 9J-5, F.A.C., because the analyses do not identify the peak hour level of service and fail to analyze links north of the project. Additionally, the plan amendment as adopted fails to show consistency with Intergovernmental Coordination Element Policy 1.1.4 and Traffic Element Objective 5 and associated policies of the Traffic Element of the current comprehensive plan.

Sections 163.3177(4)(a), 163.3177(6)(a), 163.3177(6)(b); 163.3177(6)(j); 163.3180, Fla. Stat.; 9J-5.019(4)(c)(1); 9J-5.019(4)(b)(2); 9J-5.019(4)(b)(3); 9J-5.019(4)(c)(11); 9J-5.016(3)(b)(3); 9J-5.016(3)(c)(4), Fla. Admin. Code.

2. The data and analysis provided with this amendment indicates that the capacity to supply potable water and wastewater treatment at the adopted level of service standards for this proposed development is inadequate. The policy commitments regarding provision of these services and the upgrades required to service a proposed development of this magnitude are not reflected in the amendment for either the private provider or the County services provided.

Sections 163.3177(3)(a); 163.3177(6)(a), Fla. Stat.; Rule 9J-5.055(2); 9J-5.006(3)(b)1; 9J-5.016(1)(a), Fla. Admin. Code.

B. Recommended Remedial Action: The above inconsistencies may be remedied by taking the following actions:

1. The County should provide a peak hour analysis of the impacted roadways including both Wakulla County and Leon County links associated with the project. The analysis should include impacts of projected links in the roadway system north of Wakulla County and impact of the development to adopted peak hour level of service standards. If there are deficiencies identified in roadway links within the five-year

planning timeframe, the amendment should be revised to identify applicable capital improvements that will be incorporated to address such deficiencies. Given that Woodville Highway is a state facility, the amendment should be coordinated with the FDOT work program and improvements reflected on both the state and local capital improvements schedule. For links outside the County, it is anticipated that coordination should also occur with the adjacent local government as applicable. The County should demonstrate that it has complied with its Comprehensive Plan provisions regarding level of service coordination with adjacent local governments as outlined in Objective 5 of the Traffic Element and Objective 1.1. of the Intergovernmental Coordination Element and their associated policies.

2. With regard to potable water and wastewater, the amendment should ensure that adequate facilities are available by 1) identifying the needed capacity through the planning timeframe for potable water and wastewater and identifying the planned upgrades needed to the existing plants including anticipated demand and capacity; and 2) incorporating into the plan the mechanism(s) that will function locally to implement the provision of services and the adopted level of service. These provisions should be expressed in a policy in the plan.

IV. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. The comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Fla. Stat. § 187.201(7), concerning water resources, protecting the functions of water recharge areas, ensuring that new development is compatible with existing local and regional supplies, and protecting the quality and quantity of surface water and groundwater.
2. The comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Fla. Stat. § 187.201(15), concerning directing growth to those areas which have the land and water resources, fiscal abilities and service capacity to accommodate growth in an environmentally acceptable manner.
3. The comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Fla. Stat. § 187.201(19), concerning transportation

improvements to aid in the management of growth, and promoting a comprehensive planning process that coordinates state, regional, and local plans.

4. The comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Fla. Stat. § 187.201(20), concerning the encouragement and provision for interlocal agreements to more efficiently deliver planning, siting and delivery of public services.

5. The comprehensive plan amendment is inconsistent with State Comprehensive Plan goals and policies set forth in Fla. Stat. § 187.201(25), concerning the development of local plans that implement and accurately reflect state goals and policies and address problems, issues and conditions that are of particular concern in the region.

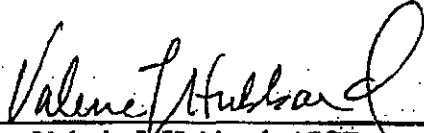
B. Recommended Remedial Action: The above inconsistencies may be remedied by taking the following actions:

1. By completing the "Recommended Remedial Actions" addressed for all of the previous issues, the amendment will be brought into compliance with the State Comprehensive Plan.

CONCLUSIONS

1. The plan amendment is not consistent with the State Comprehensive Plan.
2. The plan amendment is not consistent with Chapter 9J-5, Florida Administrative Code.
3. The plan amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes.
4. The plan amendment is not "in compliance," as defined in Fla. Stat. § 163.3184(1)(b) (2003).
5. In order to bring the plan amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate inconsistencies.

Executed this 26th day of November 2003, at Tallahassee, Florida.



Valerie J. Hubbard, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS NOTICE OF INTENT TO FIND THE
WAKULLA COUNTY
COMPREHENSIVE PLAN AMENDMENT(S) NOT IN COMPLIANCE
DOCKET NO. 03-1-NOI-6501-(A)-(N)


The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for Wakulla County, adopted by Ordinance No(s). 2003-23 on October 6, 2003, NOT IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Wakulla County Comprehensive Plan Amendment(s), the Department's Objections, Recommendations, and Comments Report, (if any), and the Department's Statement of Intent to Find the Comprehensive Plan Amendment(s) Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Wakulla County Administration Building, 340 Trice Lane Room 102, Crawfordville, Florida 32327.

This Notice of Intent and the Statement of Intent will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an administrative hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to the Administration Commission.

Affected persons may petition to intervene in this proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to Section 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan or plan amendment not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.


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11/11/03